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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|--------------------------|------------------------|------------------|
| 10/035,836 | 12/21/2001 | Martina Elisabeth Werner | BT12 00103401(USP4) US | 4194 |

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EXAMINER

FORMAN, BETTY J

ART UNIT PAPER NUMBER

1634

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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| ART UNIT | PAPER |
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0504

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Commissioner for Patents

The timely submission under 37 CFR 1.129(a) filed on 22 March 2004 is not fully responsive to the prior Office action because Applicant has not fully responded to the rejection under obviousness-type double patenting. Applicant has requested that the rejection be held in abeyance until the conflicting application becomes patented. Applicant's request is not deemed responsive to the rejection. To be fully responsive, Applicant may 1) argue the merits of the rejection; 2) state that upon notification of allowable subject matter a terminal disclaimer will be filed; or 3) file a terminal disclaimer. Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.


BJ Forman
Primary Examiner
Art Unit: 1634